

Proposed Petition Rule 5.1(a)(2) against Current Rule 5.1(a)(2)

Rule 5.1(a)(2)

(2) *Withdrawal and Substitution.* Except where provided otherwise in any local rules pertaining to domestic relations cases or where there has been a change of counsel within the same law firm or governmental law office, no attorney shall be permitted to withdraw, or be substituted, as attorney of record in any pending action except by formal written order of the court, supported by written application setting forth the reasons therefor together with the name, residence and telephone number of the client, as follows:

(A) Where such application bears the written approval of the client, it shall be accompanied by a proposed written order and may be presented to the court *ex parte*. The withdrawing attorney shall give prompt notice of the entry of such order, together with the name and residence of the client, to all other parties or their attorneys.

(B) Where such application does not bear the written approval of the client, it shall be made by motion and shall be served upon the client and all other parties or their attorneys. The motion shall be accompanied by a certificate of the attorney making the motion that (i) the client has been notified in writing of the status of the case including the dates and times of any court hearings or trial settings, pending compliance with any existing court orders, and the possibility of sanctions, or (ii) the client cannot be located or for whatever other reason cannot be notified of the pendency of the motion and the status of the case.

(C) No attorney shall be permitted to withdraw as attorney of record after an action has been set for trial, (i) unless there shall be endorsed upon the application therefor either the signature of a substituting attorney stating that such attorney is advised of the trial date and will be prepared for trial, or the signature of the client stating that the client is advised of the trial date and has made suitable arrangements to be prepared for trial, or (ii) unless the court is satisfied for good cause shown that the attorney should be permitted to withdraw.

(D) If there is a change of counsel within the same law firm or governmental law office, an order of substitution or association is not required. Instead, the new attorney must file a notice of substitution or association. The notice must state the names of the attorneys who are the subjects of the substitution or association and the current address and e-mail address of the attorney substituting or associating.